

REMARKS

Prior to the present amendments, claims 1-4, 7-13, 16, and 18-20 were pending, including independent claims 1, 11, and 16. The present amendments amend all independent claims, cancel claim 7, and change the dependency of claim 8.

Initially, Applicants submit that the designation of this Office Action as final is premature and request that the finality be withdrawn. The present Office Action is only the first Office Action following Applicants' submission of a RCE on June 17, 2008. Accompanying the RCE were amendments, inter alia, to independent claims 1, 11 and 16 which resulted in the presentation for the first time of subject matter defined by the dependent claims. These amendments resulted in a new ground for rejection and the application of an additional reference (Smith) for claims 1-4, 7-13, 16, and 18-20. Therefore, Applicants request that the finality of the present Office Action be withdrawn.

Turning to the merits, the independent claims have been amended to remove certain previously added language that was not persuasive to achieve allowance, and to add a new feature that is not disclosed in the cited art. Referring to claim 1 for the purpose of discussion, the amended claim now further recites "a driving state detector for detecting a driving state of the vehicle, wherein said point managing section is adapted to combine at least two different types of points, including points acquired by the user through a point acquisition program and points acquired by the user according to the driving state detected by said driving state detector, so that points corresponding to the vehicle driving state detected by said driving state detector and points acquired through said point acquisition program are added to said cumulative number of points."

This feature augments and clarifies the subject matter of former dependent claim 7. With this feature, a user who is a member of a point acquisition program (e.g., awarding points to a user for the use of a credit card) can add different types of points to the cumulative number of points owned by the user. Further, one of the different point types is specified to be points acquired by the user according to the driving state of the user's vehicle, such as for safe driving or courteous driving behavior. This feature is supported in the Application, e.g., at Par. 13-15, 89-99.

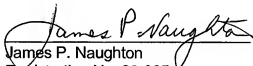
Regarding former claim 7, the Office Action cited Par. 135 of Wilkman. Applicants submit that this passage does not disclose the presently recited feature added to the independent claims. The cited passage describes a universal transaction manager component 910 that can “synchronize with other promotions.” The passage states that the synchronization can be one way or two way, i.e., only receiving events, only sending events, or receiving and sending events (e.g., between a user and a merchant sponsoring a promotion). Applicants submit that there is no disclosure in this passage -- or anywhere else in Wilkman -- that describes or suggests a point managing section that combines at least two different types of points, whereby points acquired by a user according to the driving state of the user's vehicle are added together with different points acquired by the user through a point acquisition program.

Accordingly, Applicants request that the present claim amendments be entered and that the application be allowed.

Request for Interview

If the Examiner believes this application still is not in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at 312-321-4723 to discuss any remaining issues.

Respectfully submitted,


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